



STATE MINING AND GEOLOGY BOARD

EXECUTIVE OFFICER'S REPORT



ARNOLD
SCHWARZENEGGER
GOVERNOR

For Meeting Date: March 11, 2010

Agenda Item No. 8: Approval of Updated Bylaws of the State Mining and Geology Board.

INTRODUCTION: The State Mining and Geology Board (Board) is housed in the Department of Conservation and serves as the policy and appeals board for the State's interest in mining, geology and geologic hazards. The SMGB's general authority is granted under Sections 660-678 of the Public Resources Code. Such language is being provided for the SMGB's approval consideration.

DISCUSSION: The SMGB's Bylaws were adopted on January 29, 1993, and revised on March 12, 1998. The following revised language of the SMGB's Bylaws is provided in Attachment A of this Executive Officer's report. Deletions are shown underlined in red, whereas, additions are shown highlighted in blue. Revisions of the SMGB's Bylaws reflect comments received by certain SMGB members, and changes in the name of the California Geological Survey (formerly the California Division of Mines and Geology).

EXECUTIVE OFFICER'S RECOMMENDATIONS: It is the Executive Officer's recommendation that the SMGB approve the revised language to its Bylaws.

SUGGESTED MOTION LANGUAGE: The Executive Officer offers the following motion for the SMGB's consideration:

Motion – To recommend approval of revisions to the SMGB's Bylaws:

Mr. Chairman, in light of the information before the State Mining and Geology Board today, I move that the Board approve the revision to its Bylaws.

Respectfully submitted:

Stephen M. Testa
Executive Officer


Executive Officer's Report

ATTACHMENT A SMGB's Bylaws with Revisions

I. **A**UTHORITY

Generally: The State Mining and Geology Board (Board) is within housed in the Department of Conservation and serves as the policy and appeals Board for the State's interest in mining, geology and geologic hazards. The Board's general authority is granted under Sections 660-678 of the Public Resources Code.

Under this statute the Board is authorized to represent the State's interest in the development, utilization, and conservation of the mineral resources, the reclamation of mined lands, and Federal matters pertaining to mining. The Board is also authorized to represent the State's interest in the development and dissemination of geologic information necessary to the understanding and utilization of the State's terrain, and seismological and geological information pertaining to earthquake and other geologic hazards. In addition, the general policies for the Division of Mines and Geology California Geological Survey shall be determined by the Board.

Specifically: The Board receives its statutory authority from Public Resources Code Sections 660-678 and 2207; 2621-2650 (the Alquist-Priolo Earthquake Fault Zoning Act); 2690-2699.5 (the Seismic Hazards Mapping Act); and, 2710-2796 (the Surface Mining and Reclamation Act).

II. **O**RGANIZATION

Membership: The total authorized membership of the State Mining and Geology Board is nine members, each of whom is appointed to a four-year term by the Governor. Appointments must also be confirmed by the Senate.
(Authority: PRC Sections 660 and 662)

Chairperson and Vice Chairperson: The Chairperson is appointed by, and serves at the pleasure of, the Governor. The Vice Chairperson annually shall be elected by the members of the Board at the first regularly scheduled Board meeting of the calendar year. Upon resignation of the Vice Chairperson, election of a replacement shall be held at the next regularly scheduled Board meeting. The Vice Chairperson shall serve for a one year, non-consecutive term.
(Authority: PRC Section 669)



Official Address: The official address of the Board is:

State Mining and Geology Board
801 K Street, Suite 2015
Sacramento, California 95814-3514
Phone: (916) 322-1082
Fax: (916) 445-0738
www.conservation.ca.gov/smgb

(Authority: PRC Section 668)

Committees: Committees may be created by a majority affirmative vote of the total authorized membership of the Board. Members of such committees shall be appointed by, and shall serve at the pleasure of, the Chairperson, who may serve as an ex-officio member of each committee. The Chairperson shall annually review the need for, and function of, each committee and make recommendations to the Board for changes as appropriate.

Staff: The Board, upon consultation with the Director of the Department of Conservation, may appoint an Executive Officer. The Executive Officer shall maintain the Board headquarters and the day-to-day operations of the Board. The Executive Officer, upon consultation with the Chairperson and the Director of the Department of Conservation, may cause to employ such clerical support as may be necessary for the proper discharge of the Board's duties.

(Authority: PRC Sections 668 and 670)

Legal Counsel: Legal counsel for the Board is provided by the Attorney General's office.

III. **M**EETINGS

Dates: The Board shall hold a minimum of six meetings annually, to be held in locations appropriate to the subject matter to be considered. All meetings shall be held in facilities accessible to the handicapped. Unless alternative dates are agreed upon by a majority of members, Board meetings shall be scheduled the second Friday of every other month, with the third Friday being reserved as an alternate should a holiday conflict with the regularly scheduled date.

(Authority: PRC Section 668)

Special Meetings: Periodically, it may be necessary to call a special meeting to accommodate external time frames that require Board discussion and action. Special meetings may be scheduled at the call of the Chairperson, upon consultation with the

Executive Officer, or by a majority affirmative vote of the total authorized membership of the Board.

Emergency Meetings: The Board may only call emergency meetings pursuant to Government Code Section 11125.5.

Notice of Meetings: Notice of public hearings, workshops, field trips, regular business meetings, special meetings and committee meetings shall be given pursuant to Government Code Section 11120 et seq., the Bagley-Keene Open Meeting Act, and Government Code Section 11346.4, the Administrative Procedures Act. Notices shall be mailed to all members of the Board, the Director of the Department of Conservation, [Chief of the Division of Mines and Geology](#) State Geologist and Director of the California Geological Survey, [Chief Assistant Deputy Director](#) of the Office of Mine Reclamation, and all other interested persons, at least ten (10) days prior to each meeting, workshop and field trip, and thirty (30) days prior to public hearings that include the adoption or revision of State Policy related to the Surface Mining and Reclamation Act.

Conduct of Meetings: Business meetings of the Board and its committees shall be conducted according to *Robert's Rules of Order*, unless a majority of those members present by affirmative vote act to suspend this method of procedure and adopt, for the purposes of that assembly only, another form of parliamentary procedure.

Quorum: Five (5) members of the Board shall constitute a quorum for the purposes of conducting business; however, a majority affirmative vote of the total authorized membership shall be necessary to adopt, amend, or repeal State Policy as defined by Public Resources Code Sections 2755-2760.

(Authority: PRC Section 668)

Open Meetings: All meetings of the Board shall be open to the public. Closed meetings can only be held in accordance with provisions of Government Code Section 11126.

(Authority: PRC Section 668; Gov't. Code Section 11123)

Written Material: The Executive Officer, upon consultation with the Director of the Department of Conservation, shall make written recommendations for Board action on all regular agenda items. Any writings distributed to any members of the Board, or employee of the Board for discussion or consideration at a public meeting, are public records under Government Code § 6250 et seq., the California Public Records Act, and shall be made available to members of the public. A reasonable fee for reproduction and mailing of materials may be charged to any person requesting a copy of a public document. The Board shall not be required to make public information which is proprietary or otherwise protected.

(Authority: Gov't. Code Sections 6254 and 11125.1; PRC Section 2207)



Order of Business: The agenda for regular business meetings shall be set by the Executive Officer, and shall include items recommended by the members of the Board and the Director of the Department of Conservation. Items not noticed on the Board's agenda may be brought up for discussion; however, no action shall be taken until a subsequent meeting following proper public notification.

Mailing List: An official Board mailing list shall be maintained and annually updated, consisting of all interested persons, public agencies, etc., requesting notification of meetings.

IV. **RULEMAKING**

Regulatory Action: An official rulemaking process, as required by Government Code Section 11346 et seq., the Administrative Procedures Act, shall be conducted for the adoption, amendment, or repeal of any regulations adopted pursuant to the Board's statutory authority.

Hearing Location: A public hearing for the purposes of a rulemaking shall be scheduled in a location and time convenient for the majority of persons who may have special interest in the proceedings. All hearings shall be held in facilities accessible to the handicapped.

Notice: Notice of public hearings for the purposes of rulemaking shall be prepared in adherence with Government Code Section 11346, the Administrative Procedures Act. Notice shall be mailed to those individuals and organizations receiving general notice, and to any other person that may have special interest in the proposed proceedings. If such notice is included as part of the regular business meeting agenda, separate notice shall not be necessary.

V. **ADMINISTRATIVE ACTIONS**

Public Input: Provisions for public discussion and Board-Public interaction shall be made available during a regular business meeting prior to making administrative policy decisions. Administrative policy decisions include the adoption of policies and guidelines that are internal in nature, and not subject to the requirements of Government Code Section 11346 et seq., the Administrative Procedures Act.

Notice: Notice of public discussion forums for the purpose of considering administrative actions shall be mailed to those individuals and organizations receiving general notices, and to any other persons that may have a special interest in the proceedings at least ten (10) days prior to the meeting. If such notice is included as part of the regular business meeting agenda, separate notice shall not be necessary.

VI. **A**MMENDMENTS

Amendment: All amendments to these Bylaws, except where specified by statute, may be adopted at any regular business meeting by a majority affirmative vote of the total authorized membership of the Board.

Periodic Review: The Chairperson shall periodically review these Bylaws and make recommendations to the Board for changes as appropriate.

